



Freedom of Expression: "Pornography" in the Digital Age Perspective on Criminal Justice System Synchronization

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Abstract: *The formulation of the problem in this study is that freedom of expression related to pornography in the digital era requires synchronization of the criminal justice system, so the aim of this study is to harmonize its handling. The research method is doctrinal research using primary and secondary legal materials that produce legal arguments, legal theories/legal concepts and tertiary legal materials. Using a statute approach, conceptual approach, comparative approach and deductive analysis. The results of the research, substantial, structural and cultural synchronization are needed in the Criminal Justice System to handle pornography in the digital era. Article 28J paragraph (1,2) of the 1945 Constitution of the Republic of Indonesia, Article 8 of Law No. 44/2008 concerning Pornography, Constitutional Court Decision No. 82/PUU-XVIII/2020, Law No. 19/2016 concerning Amendments to Law No. 11/2008 concerning Electronic Information and Transactions, Article 70 of Law No. 39/1999 concerning Human Rights and Presidential Decree No. Law No. 25/2012, which regulates the prevention and handling of pornography, requires freedom of expression within the law, not absolute freedom. Synergy between the central government, regional governments, the Ministry of Communication and Digital, the Indonesian Broadcasting Commission, religious institutions, the Child Protection Commission, the National Commission on Violence Against Women, the Criminal Justice System, and international cooperation is essential. Therefore, research contributions are needed to realize the synchronization of the Criminal Justice System with efforts to eradicate pornography in the digital era.*

Keywords: *Criminal Justice; Expression; Pornography; Synchronization*

1. Introduction

The issue of pornography is a serious concern. The Ministry of Communication and Digital stated that 1,352,401 negative content such as pornography and online gambling were successfully handled between October 20, 2024, and March 8, 2025, thanks to the active participation of the public in reporting through aduankonten.id. Websites accounted for 219,578 of the 233,552 occurrences of pornographic content, with platform X (Twitter) coming in second with 10,173 cases (Kemkomdigi, 2025). Based on the Decree of the Minister of Communication and Information Technology No. 522 of 2024, User-Generated Content Electronic System (PSE UGC) providers are required to take down content that violates the rules within a certain period of time depending on the level of urgency of the violation.

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The number of incidents of youngsters being sexually exploited online has increased globally. According to a meta-analysis of 125 studies and a 2021 UNICEF report, one in eight children worldwide has experienced online sexual abuse and exploitation. Furthermore, 13% of children have been victims of the distribution of sexual content, and 12% have been targets of online sexual solicitation. Nationally, according to NCMEC (2024), incidents of online child pornography increased from 2020 to 2024. The National Police Education Center (Pusiknas POLRI) (2024) noted that the Jakarta Metropolitan Police handled the most pornography cases (217 cases), while Central Kalimantan handled the fewest with 9 cases (Kemenkopmk, 2025).

According to data made public by the Indonesian Child Protection Commission (KAI), there were 322 instances of child-related cybercrime and pornography in 2014, 463 in 2015, 587 in 2016, and 608 in 2017, and 679 cases in 2018. Furthermore, negative content such as pornography, pornography in online games, and deviant social behavior when accessing the internet make them vulnerable to exposure to pornography (kpai.go.id, 2022).

One group of people believes that the right to free speech regarding "pornography" is a human right. In accordance with a special power of attorney dated May 21, 2020 No. 82 / PUU-XVIII / 2020 pertaining to "Not being allowed to be an object or model of pornography," that is, submitting a request for a material review of Article 8 of Law No. 44/2008 concerning Pornography against the 1945 Constitution of the Republic of Indonesia because it is deemed to violate their constitutional rights, it is established that the Constitutional Court conducted a judicial review in connection with the petition filed in the name of Pina Aprilianti with legal counsel Asri Vidya Dewi et al (Pengajuan Judisil Review khususnya ketentuan Pasal 8 Undang-Undang Nomor 44 Tahun 2008 Tentang Pornografi dikaitkan dengan UUD NRI 1945" (n.d.)).

The legal process was taken because during the unregistered marriage, her husband always recorded scenes of husband and wife relations and after separating, without her knowledge, the video was distributed by her ex-husband to social media. The Applicant's status as a prisoner at the Class II-B State Detention Center in Garut Regency is based on the Garut District Court Decision No. 289/Pid.B/2019/PN.Grt and was sentenced according to the formulation of Article 8 of the Pornography Law, even though the Prosecutor / Public Prosecutor dated June 3, 2020 filed an appeal to the Bandung High Court with Decision No. 150/PID/2020/PT BDG which essentially upheld the decision of the Garut District Court.

The Criminal Act of Disseminating Pornographic Content from the standpoint of Law No. 11 of 2008 about Electronic Information and Transactions, as well as the perspectives of Islamic law and its enforcement procedure, are among the earlier studies on pornography. Pornography is not a complaint offense, according to the research's findings, thus if pornographic material is distributed, investigators do not have to wait for a report or complaint. Although pornography is not specifically mentioned in Islamic law, its legal standing is acquired through qiyas based on texts or laws that are pertinent to the content of pornography, such as adultery, tabarruj (intentionally flaunting one's face and showcasing one's beauty, attire, jewelry (Imam Hidayat and Alimuddin, 2020).

Second, The Criminal Code, Law No. 35/2014 about Child Protection, Law No. 11/2008 concerning Electronic Information and Transactions, and Law No. 44/2008 concerning Pornography are among the laws and regulations that are essentially synchronized to control the crime of child pornography (Farah Diba Batubara et al, 2019). Third, in practice, the resolution of pornography has not been as expected, due to, among other things, different understandings and interpretations of the articles of the Criminal Code (Louisa Yesami Krisnalita and Sisi Rahayu, 2022).

Fourth, criminal responsibility for the pornography committed by Fransiska Candra Novitasari, whose pornographic content was published on social media, especially Twitter, for free and for a fee, including Onlyfans. In 2022, she was arrested for her

exhibitionism in Yogyakarta. The court process revealed that Siskae had an exhibitionism disorder due to past trauma, and she was sentenced to prison (Putri Aisyah Cahyani and Hery Firmansyah, 2023). Fifth, the implementation of sanctions for perpetrators of criminal acts of distributing pornographic videos on social media according to Law No. 19/2016 concerning Information and Electronic Transactions, namely criminal liability for the perpetrator, if the elements are met according to the law. In addition, factors that hinder the process of law enforcement against perpetrators of distributing pornographic videos on social media, namely the increase in pornography crimes on the internet, must be balanced with legal instruments for law enforcement officers and formulations in laws and regulations so that extensive interpretation is needed and the solution is to create a good criminal justice system and the supremacy of criminal law (Supriyanto and Achmad Sulchan, 2023).

The difference with previous research is the study of the Indonesian Criminal Justice System through substantial synchronization, structural synchronization and cultural synchronization as well as its handling in the digital era correlated with the theory of criminalization, victimology theory in viewing pornography victims including the phenomenon of freedom of expression in understanding the problem of pornography by paying attention to the principles, elements of the rule of law, human rights correlated with legal and moral guidelines in formulating the definition of statutory regulatory products. The formulation of the problem in this study is that freedom of expression related to pornography in the digital era requires synchronization of the criminal justice system, so the aim of this study is to harmonize its handling.

This research discusses the gaps in theoretical contributions, namely criminal policy, legal politics, and criminal law philosophy based on the historical and cultural school of Von Savigny (related to Pancasila as the soul of the nation/volgeits Indonesia), the use of legal theory in various spaces and generations where law as the meaning of social ethics (Aristotle), law as the will of general ethics (Rousseau), and law is normative because of the juridical will (Rudolf Stammler), as well as the principle of preference. All of these influence the practical contribution to resolving conflicts of legal norms as a form of respect and protection of human rights in overcoming pornography in the digital era through synchronization of the criminal justice system.

2. Materials and Methods

This research was conducted in a normative juridical manner involving three approaches, namely statute approach, case approach, and comparative approach (Pieter Mahmud Marzuki, 2017). The normative type of research was chosen because there are problems related to legal norms, namely conflicting norms and vague norms (vagen norm) regarding the meaning of freedom of expression related to pornography in the digital era. The statute approach focuses on relevant legislation and regulations in the study. The case approach focuses on analyzing court decisions related to the research topic. The comparative approach compares regulations or policies in Indonesia with those in other countries to gain a broader perspective.

In addition to legal systematics, legal inventory, and legal comparison, the focus of this study is the degree of synchronization of the criminal justice system, including significant synchronization, structural synchronization, and cultural synchronization connected to the management of pornography crimes.

This research uses primary legal materials such as Law No. 44/2008 concerning Pornography, the 1945 Constitution of the Republic of Indonesia, Law No. 24/2003 concerning the Constitutional Court as amended by Law No. 8/2011 concerning Amendments to Law No. 24/2003 concerning the Constitutional Court and Law No. 48/2009 concerning Judicial Power, Constitutional Court Decision No. 006/PUU-III/2005 and Decision No. 11/PUU-V/2007, Law No. 19/2016 concerning Information and

Electronic Transactions and Law No. 39/1999 concerning Human Rights, Presidential Regulation No. 25/2012 which regulates the prevention and handling of pornography. Secondary legal materials are obtained through library research that includes literature, books, and previous research. The legal materials are obtained from library research by analyzing legal issues or cases through legislation, literature, and other relevant materials.

The formulation of the problem in this study is that freedom of expression related to pornography in the digital era requires synchronization of the criminal justice system in dealing with freedom of expression of 'pornography' in Indonesia through *qualitative analysis* based on positive legal theory, criminal policy, legal politics, criminal law philosophy by paying attention to legal schools, the principle of preference in dealing with conflict of norms. In addition, systematic interpretation is used, namely interpreting laws and connecting them with other laws and futuristic interpretation, namely a method of legal discovery that bases the law that is aspired to in the future.

3. Results and Discussion

3.1 Criminalization and Regulation of Pornography

In this analysis, the implementation of the law likely reflects a gap in theoretical contributions between criminal policy, legal politics, and criminal law philosophy, influenced by various legal schools of thought, the resolution of normative conflicts, and the synchronization of criminal justice systems, particularly in addressing pornography in the digital age. This will, in turn, impact human rights protection.

In relation to the Petitioner's application to the Constitutional Court which in principle Article 8 of Law No. 44/2008 concerning Pornography which according to the applicant can cause legal uncertainty because it is a public law and the regulated norms are every/all people so that they violate the law if they are made the object of pornography for themselves and their interests and can lead to the expression of happiness of their citizens; have the potential to commit potential legal violations even though for their interests or reasons of deception, the existence of coercion and threats, the reality of which literally cannot be proven, is not a solution to social problems in the phenomenon of patriarchal culture based on factors of identity politics, the history of the development of society in anthropology and sociology. Therefore, the following will be examined regarding the application.

Competencies held by the Constitutional Court (Undang-Undang No. 24 Tahun 2003 tentang Mahkamah Konstitusi dan Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman" (n.d.)). related to the constitutionality test of "Law No. 44/2008, especially Article 8 concerning Pornography as regulated in the 1945 Constitution Article 24C paragraph 1 letter (a), Law No. 24/2003 Article 10 paragraph 1 letter (a) concerning the Constitutional Court as amended by Law No. 8/2011 concerning Amendments to Law No. 24/2003 concerning the Constitutional Court and Law No. 48/2009 Article 29 paragraph 1 letter (a) concerning Judicial Power. Accordingly, the Court believes that the loss of constitutional rights and/or authority as mentioned in Article 51 paragraph (1) of Law No. 24/2003 concerning the Constitutional Court has occurred since the Constitutional Court's decisions No. 006/PUU-III/2005, No. 11/PUU-V/2007, and later rulings."

The norms contained in the 1945 Constitution, namely Article 28D paragraphs (1, 2, 3, 4), include equality before the law and the guarantee of obtaining fair legal protection. Article 28G paragraph (1) also provides protection for individuals, families, dignity, and honor from threats of such acts.

Criminalization of acts that have the potential to lead to pornography must adhere to the principles of the rule of law. These principles are the primary foundation for maintaining the order of national life, namely the supremacy of law,

equality before the law, and protection of human rights (Hafiz An Nur and Muhammad Idrus Baldannudin, 2024).

Thus, legal politics is needed to formulate positive laws that reflect the *Volkgeist*, ensuring that the law can remain relevant in the dynamic digital era and that criminal law policy formulation keeps pace with technological developments. Considering that criminal law policy, as an effort to combat digital pornography, may lead to a repressive and formalistic approach, it may be inconsistent with unwritten law or human rights values.

Criminalization of pornography is based on the "Criminalization Theory", namely Moral Theory, Individualistic Liberal Theory:

a. Moral Theory

There is a correlation between morals and law, where Hart acknowledges that morality plays a role in law, so that there is a minimum content in natural law that must be included in the legal system, even though the relationship between law and morality is contingent, not absolute (Petrus Bello, 2023).

Criminal law makers make morality a source of values, so that the lowest rules have a moral dimension, namely prohibiting attacks on people, their property, their personal lives, and breaking promises. This is in accordance with Hart's opinion that a person may be punished if their actions are morally wrong (Marlina, 2011).

Immorality is the basis for sentencing (Hart, 1981). One perspective that discusses the relationship between morality and law is the first view, a moderate thesis, based on Devlin's theory, where shared morality is urgently needed as a societal reinforcement for the existence of a recognized society and government. Furthermore, behavior will impact moral rules, as immoral behavior may not potentially threaten the morals of others but rather threaten moral principles within society. Second view: the extreme thesis with Stephen's character where moral enforcement is part of the values, even though immoral behavior will not harm others either directly or indirectly by weakening society.

b. Individualistic Theory

John Stuart Mill stated that the power of the state to regulate society is limited by the freedom of citizens, so that state intervention in private life is only permitted if the actions are detrimental to the interests of others. The application of the principle of harm in criminalization when the action is detrimental so that it does not apply to normal actions even if the action causes harm. Andrew Ashworth stated that criminalizing a criminal act as a basis for individualistic liberal theory is the basis for its justification (Salman Luthan, 2007).

Based on the theory of criminalization of pornography in Moral Theory, the Individualistic Liberal Theory shows a significant correlation between law and morality so that the perpetrator deserves to be punished while his immoral actions can cause harm to society and it is the state's responsibility to be present in the form of regulations.

Before the birth of Law No. 44/2008 concerning Pornography, the regulations used include legislation related to the "Criminal Code (KUHP) concerning moral offenses in Book II Chapter XIV concerning Crimes against Morality, especially Articles 282 and 283 and Book III Chapter VI concerning Violations of Morality, especially Article 533), Law No. 43/1999 concerning the Press relating to freedom of expression and expressing opinions, Law No. 23/2002 concerning Child Protection, Law No. 32/2002 concerning Broadcasting, Law No. 8/1992 concerning Film, Law No. 11/2008 concerning Electronic Information and Transactions, Law No. 20/2003 concerning the National Education System, Law No. 17/2008 concerning Shipping,

and Law No. 17/2006 concerning Amendments to Law No. 10/1995 concerning Customs.”

In reality, the application of legal rules can lead to gaps in legal norms (leemten in het recht), conflicts between legal norms (legal antinomies) and ambiguity between legal norms (vage normen) or unclear norms, so that the Legislative and Executive bodies as designers and makers of laws must pay attention to the principles contained in the law when designing policies that will be implemented, so as to minimize legal anomalies that occur in society (Andreas Andri Jatmiko, 2023). This principle is known as the principle of legal preference or the principle of priority, which functions to determine the legal rules that will be applied in relation to a legal event where there are several regulations, including the principle of *lex specialis derogat legi generali*.

According to Article 63 paragraph (2) of the Criminal Code, which states that if an act is included in both a general and a special criminal provision, only the special one is applied, the principle of *lex specialis derogat legi generali* exists. Accordingly, Law No. 44/2008 concerning Pornography, which applies the principle of preference, serves as the legal foundation for the pornography issue.

Due to its relevance to the principle of preference, in resolving normative conflicts, preference principles such as *lex superior derogat legi inferiori*, *lex specialis derogat legi generali*, and *lex posterior derogat legi priori* are used. However, in reality, the principle of preference is often less appropriate for resolving fundamental value conflicts between human rights, the universal spirit, and the effectiveness of law enforcement in the digital age.

Before and after the enactment of Law No. 44/2008 concerning Pornography, there was controversy over the interpretation of the terms and meanings of pornography and pornoaction. As is known, the word "pornography" comes from the Greek word *porne*, meaning "prostitute," and *graphein*, meaning "expression." In addition, the word "pornography" also means "with images of prostitutes (Neng Djubaedah, 2009). Etymologically, pornography means the expression "prostitute" or works in the form of writing or painting that show or depict prostitutes. The term "porn" refers to obscene writing, images, paintings, or dances, or spoken words (Tjipta Lesmana, 1995). In general, it can be said that pornography is defined as images, words or writing that contain prostitution.

In the Big Indonesian Dictionary (KBBI), it can be concluded that the word "pornography" is depicting erotic behavior and writing or painting to arouse or deliberately designed to arouse lust (Departemen Pendidikan Nasional, 2008). So, the existence of a deliberate intention to arouse lust is an absolute requirement so that vulgar depictions cannot be classified as pornography if the perpetrator does not have such an intention.

The Oxford Advanced Learner's Dictionary defines pornography as (a) depicting or describing sexual actions to arouse sexual desire; (b) pornographic literature, films, etc.; and (c) pornography as the trade in pornography. In contrast, Webster's New World Dictionary defines pornography as: (1) texts, images, etc. that are primarily meant to provoke sexual desire; and (2) the act of producing such texts, images, etc. (Oxford, 1994). "Pornography" is a term that has the concept of an action with a clear background, such as writing, images that arouse sexual desire so that the construction of the crime of pornography must pay attention to the intended context, such as the social context of society.

Therefore, when providing or formulating a definition of a term, care must be taken because it will impact law enforcement, especially in legal regulations. According to J.J.H. Bruggink (J.J.H. Bruggink, *Rechreflecties*, 1993), as quoted by

Arief Sidharta, the meaning of "definition" is a special understanding intended to determine the limits of the meaning intended by certain words or terms, carefully so that it is clear to everyone in various circumstances.

Pornography comprises elements such as writing, images, sound, animation, conversation, sketches, body movements or other messages through various communication media, illustrations, photos, and/or public performances that contain obscene or exploitative acts that are against social norms, according to Article 1 number 1 of Law No. 44/2008 concerning Pornography.

Based on this formulation, it can create legal issues because an act will be considered pornographic if it violates societal moral norms. Women wearing traditional Papuan clothing, such as the koteka, and the clothing styles of Aceh, Bali, and Java, which have different cultural traditions, cannot be considered pornographic. Given the differing values held by certain communities, a wise and prudent approach is needed in each region regarding law enforcement in the area of pornography, including licensing, distribution, and use of potentially pornographic products, as well as oversight of their production.

In addition, the formation of pornography laws based on Article 3 as an effort to prevent the spread of pornography and commercialization of sex, to realize legal certainty and protection for the community by basing it on the first principle of Pancasila, namely Belief in the One and Only God as the foundation or basis of moral values while also providing a religious foundation for the community to use as this foundation, without having to set aside the culture and customs as well as the values that live and are embraced by the community.

The existence of pornography laws when linked to Fitzgerald's opinion on the Theory of Legal Protection that in connection with the existence of various interests in society so that it is necessary to integrate and coordinate, restrictions are needed as a community agreement to regulate its behavior with the presence of a government that represents the interests of society (Satjipto Raharjo, 2000). As a result, protection of victims and the rights of suspects/defendants that are too rigid can violate human rights, while an approach that is too permissive/lax can result in a failure to protect society from pornographic exploitation.

According to Soekarno, the philosophical soul of the Indonesian nation is Pancasila, the essence of which is the One Almighty God, Humanity, Nationality, Deliberation or Consensus and Social Justice or Happiness. (Soediman Kartohadiprodjo, 1986). Based on the first principle of Pancasila, society in its life is inspired/imbued with the values of the One Almighty God, which contain religious values, so that there is a correlation between moral values and religious values. In other words, there is no "secularization" in Indonesian society that strictly separates legal norms, moral values, and religion, so that the substance of the law cannot be separated from these values, including the issue of pornography.

In relation to Article 8 of the Pornography Law, it is clearly stated that there is a prohibition for anyone who intentionally or with their consent makes themselves an object or model containing pornographic content. The applicant was named as the perpetrator and arrested by the Garut Police and according to him, the norm is unclear regarding the definition of object or model and is detrimental to the victim (victimization) because it is initially a personal activity and is attached to the right to privacy. Furthermore, it is inconsistent with moral norms and other social norms, the relationship within the scope of 'husband and wife' as a private activity that is a constitutional right.

This would certainly differ from the United States government's regulations, which recognize pornography as a right of expression, except in cases of child

pornography, as stipulated in the Children's Online Privacy Protection Act. The Virginia Bill of Rights (June 12, 1776), the Declaration of Independence (July 4, 1776), and the Constitution all govern the right to freedom of expression and opinion in the United States. According to Article 12 of the Virginia Bill of Rights, "one of the great bulwarks of liberty is the freedom of the press, which can never be curtailed except by dictatorial rule." Additionally, according to Article 1 of the Virginia Declaration, "All men are equal, free, and independent by nature, and have certain inherent rights, of which, enjoyment of life and liberty..."

The United States has tried to form and perfect the Child Pornography Law which until now has been spread across several laws in the United States, namely the Federal Law, Article 18 U.S.C. § 1466A, 2251, and 2252, and child pornography.

Normatively, Article 8 of the Pornography Law creates two perpetrator subjects as mentioned in Article 4 and its Explanation, namely 'object or model', without emphasizing 'dissemination and commerciality.' Article 8 also opens up opportunities for the state to be present in the privacy dimension where the explanation states that perpetrators cannot be punished if there is coercion either by threat or pressure from another person or under power, there is persuasion or deception, or being lied to by another person. "personal interests which are the right to privacy" are owned by every person so that they are willing to become a model or object as stated by the Constitutional Court in its decision No. 50/PUU-VI/2008 concerning the Judicial Review of Law No. 11/2008 concerning Information and Electronic Transactions which translates Article 12 of the United Declaration of Human Rights and Article 17 of the ICCPR where "privacy" is further translated as "personal matters or private affairs."

The Constitutional Court in decision No. 48/PUU-VII/2010 stated that the explanation of Article 4 of the Pornography Law regarding "personal purposes" using a systematic interpretation is in accordance with Article 4 paragraph (1) and Article 6 and its Explanation. Therefore, this provision does not conflict with the prohibition on listening to, showing, and utilizing pornographic products to be listened to and shown to others so that utilizing pornographic products also applies to others and not only for oneself."

Chapter VIII, Articles 29-38 of Law No. 44/2008 concerning Pornography, regulates criminal provisions. Interestingly, Article 34 explicitly uses the term subjective element, namely "intentionally or with his/her consent." This relates to the perpetrator's psychological self when committing a crime, so if the perpetrator is aware (willing his/her actions to be legally) then there is *dolus* (intention). Likewise, if the perpetrator of pornography does not realize or does not want his/her actions to be legally, then his/her mental attitude is negligence (*culpa*) (Moeljatno, 1985). The use of verbs with the prefix *me-* such as: to make, to reproduce, to display shows that the perpetrator is aware that his actions are prohibited and contrary to the law, even though the words "intentionally" or "intentionally" are not explicitly stated.

Consequently, the perpetrator must be held accountable for their actions, as pornography is a *dolus* crime, requiring intent on the part of the perpetrator. This element does not require proof, and it is not even defined in law. Therefore, before committing the act, the perpetrator must have known that it would result in pornography, and vice versa.

In the meantime, Article 29 forbids the distribution, broadcasting, importing, exporting, offering, trading, producing, making, reproducing, duplicating, renting, or providing of pornography because the offender faces a minimum penalty of six months in prison and a maximum penalty of twelve years, as well as a fine of at least Rp 250,000,000.00 (two hundred and fifty million rupiah) and a maximum of Rp 6,000,000,000.00 (six billion rupiah).

Article 31 of the Pornography Law, in principle, "lending" media containing pornographic content to another person without their knowledge, requires proof of unintentional intent, including the possibility of negligence, as this will impact the investigation process and determine whether the case can proceed. The conjunction "or" indicates that a pornography perpetrator can be punished even if they commit only one act. Article 14 of Law No. 44/2008 concerning Pornography contains a Government Regulation, its implementing regulation, which provides exceptions for purposes and interests in the fields of health and education. Therefore, the production, distribution, and use of pornography must also be carried out in a specific location, as stipulated in Government Regulation No. 5/2014

Anselm Von Feurbach's (1804-1872) opinion that "every just punishment in the state is a logical consequence (of breaking a law) based on the necessity of preserving order..." (Hendrojono, 2005). This is also in accordance with the theory of Juridical Will that law is normative by Rudolf Stammler, that what humans want is an orderly life together so that regulations in the form of law are needed (Bernard L Tanya and et.all, 2010). This means that a legal relationship is needed to bind society so that order and peace are realized, including rules regarding the importance of pornography regulation.

A state's indicators based on the rule of law (Rechtsstaat) include: Human rights are recognized and protected; state administration is based on the trias politica (separation of state power into legislative, executive, and judicial powers); government is structured according to the law; there is a state administrative court that can handle cases involving illegal government actions; and Indonesia satisfies the requirements for being a state, including equality before the law, the supremacy of the law, and a constitution based on human rights, making it a state based on the rule of law (Fikri Hadi, 2022).

Conflicting legal norms regarding freedom of expression related to pornography in the digital age involve tension between positive law (which is normative and formal) and social ethical values (the Pancasila ideology). For example, the definition of "pornography" in the law is often debated in relation to artistic expression, public culture, or privacy, leading to legal uncertainty.

But when it comes to human rights, the Indonesian legal system imposes duties on the state in addition to individual liberties. According to the 1945 Constitution's Article 28J, paragraph (2), which restricts human rights only to ensure that others' rights and freedoms are recognized and respected and to satisfy reasonable demands in line with security, public order, moral considerations, and religious values in a democracy where these values reflect Pancasila.

Legislation on pornography must be able to fulfill the requirements of good legislation, namely the legal requirements of certainty, justice and benefit; sociological requirements because they are in accordance with the broad social impact so that the act is prohibited and fulfill the philosophical requirements, namely upholding religious and moral values to realize a Pancasilaist Indonesia.

3.2 Synchronization of the Criminal Justice System and Victimization in Combating Pornography

The criminal justice system is identical to the (integrated) Criminal Justice System, which Black's Law Dictionary states as "*The system typically has three components: law enforcement (police, sheriffs, marshals), the judicial process (judges, prosecutors, defense lawyers), and corrections (prison officials, probation officers, parole officers).*" Bryan A Garner (2009) "Edition (Black's Law Dictionary)". From the

definition above, it is explained that the "components" of the criminal law enforcement system (criminal justice system), namely the Police, Public Prosecutors, Courts and Correctional Institutions, function to "enforce criminal law" starting from the investigation stage, prosecution, process in the court and implementation of criminal penalties, including in the crime of pornography.

In relation to the existence of the judicial sub-system institutions in question, according to Alan Coffey as quoted by Mardjono Reksodipoetro (1983), fragmentation must be avoided where functions work without paying attention to interrelationships so that the law of cause and effect applies (Thus, synchronization is needed as simultaneity and harmony, both structural synchronization, namely harmony in the administration of justice between law enforcement agencies, substantial synchronization, namely vertical-horizontal harmony in positive law and cultural synchronization, namely harmony in the appreciation of life views, attitudes and philosophies comprehensively which form the basis of the criminal justice system (Muladi, 1985).

As a formal means, the Criminal Justice System is a process of seeking justice (justice process), so that as a system it has advantages and disadvantages, including strong bureaucracy in various components, which slows down the process (Adrianus Meliala, 2001). The existence of institutions in the criminal justice system with an inherent bureaucratic system can be an obstacle in law enforcement, thus requiring synchronization in the justice system to avoid the impact of limited understanding of the crime of pornography which can cause moral degradation in society.

First, Substantial Synchronization, namely vertical and horizontal harmony in applicable laws and regulations. From the perspective of the philosophy of Criminal Law, its role is to achieve "security" by eradicating criminal incidents through repressive and preventive measures, while also realizing "order" as the impact and limits for each person and indicating the acts that are subject to punishment, the exceptions, and the types of punishments (Purnadi Purbacaraka and A. Ridwan Halim, 1982).

Pros and cons emerged in formulating, assessing, and interpreting the term pornography, as well as the meaning of pornography and porno-action, before the enactment of Law No. 44/2008 concerning Pornography. Furthermore, when referring to the Criminal Code, there is no definition of pornography, but only norms and sanctions for violators, as stated by Topo Santoso, Director of the Indonesian Center for Criminal Justice Studies (F Syams, 2007).

The use of Criminal Policy Theory is necessary. The term "policy" comes from policy (English) or politiek (Dutch), which means the principle for the government to realize the welfare of society, both law enforcement in managing, resolving community affairs or drafting legislation and applying or implementing laws/regulations (Barda Nawawi Arief, 2010).

The justification for the state to impose (criminal) punishments is based on the "social agreement theory" with its foundations being Grotius, Thomas Hobbes, John Locke, J.J. Rousseau and Immanuel Kant, where people obey the law because

of the consensus (agreement) of society to obey it Rousseau (Law as General Ethical Will): Emphasizes law as a manifestation of the general will to regulate social life. This supports strong state intervention in regulating digital content for the common good. Meanwhile, Rudolf Stammler, whose Normative Law is Due to Juridical Will, views law as an autonomous and logical system of norms, emphasizes formal validity. This approach tends toward rigid legal positivism, sometimes ignoring the broader social and ethical context (Lili Rasjidi and Ira Thania Rasjidi, 2007).

This means that the state has the authority to impose sanctions on violators as a social agreement through institutions that represent it as a consensus that has been agreed upon from the start and there is no reason to deny it (a social contract).

Furthermore, the formation of law requires rational and moral principles. Rational principles are both reasonable guidelines for living together and the starting point for establishing a sound legal system (Abdul Ghofur Anshori, 2009), according to H.L.A. Hart, the moral principle is that the formation of laws must be based on moral principles (at least natural law) as a regulation, meaning that even if it is contrary to moral principles, laws are still laws (Ibid). As a result, the desire to create rules that use rational and moral principles, namely forming a system of norms that must be obeyed by all parties in a particular society, (ibid, 109). Therefore, rational and moral principles influence the formation of regulations related to combating pornography.

Second, Structural Synchronization namely harmony between law enforcement agencies in the criminal justice sub-system starting from the investigation stage to the examination stage and deciding cases in court is carried out based on Law No. 8/1981 concerning Criminal Procedure Law (HAP) unless otherwise regulated in Law No. 44/2008 concerning Pornography, including Correctional Institutions and Advocates. Therefore, these institutions must synergize and have the same perception in dealing with pornography crimes such as the Police, in addition to the Public Prosecutor and officials at all levels of examination, both regarding the contents and information of electronic data that is destroyed or deleted, are required to keep it confidential based on the power of the oath of office. (Article 26, 27 paragraph (3) of Law No. 2/2002 concerning the Police).

Third, Cultural Synchronization, which is harmony in understanding the criminal justice system as a whole, including its perspectives, attitudes, and philosophies, including pornography crimes, which are oriented toward the internalization of morals in society. Therefore, strong, participatory law enforcement and enhanced civic education by emphasizing the values of democracy, tolerance, and respect for human rights are necessary strategies (Akmal, 2024). As a result, law enforcement demands synchronization regarding culture, without neglecting tolerance and democracy, even though at the practical level, debate is very likely to occur.

3.3 Legal Theory and Criminal Justice System

Using legal theories from various contexts and generations to view pornography, including law as a social ethical sense (Aristotle), law as a general

ethical will (Rousseau), and law as the spirit of the people (von Savigny). Aristotle viewed law as social ethics, so the goal of law is justice, giving everyone their due. In the context of pornography, this creates a conflict between the right to freedom of expression (human rights) and protecting society from negative impacts (social justice).

Likewise, the Von Savigny School of History (Pancasila as Volksgeist) argues that law is not created by the state, but rather grows and develops alongside the spirit of the nation (volksgeist). In Indonesia, Pancasila is recognized as the spirit of the nation. Regarding the Philosophy of Criminal Law, the values of Pancasila and customary law/customs that exist in society emphasize the morality and decency upheld in Law No. 44 of 2008 concerning Pornography, which are based on norms of decency in society.

First, Social Ethical Theory states that law serves as a guide for humans in developing rational moral values. Legal justice is synonymous with general justice, which results in good relationships between people, non-egocentricity, and equality (Tanya and et all). Second, the theory of General Ethical Will states that legal norms are a general will (volunte generale) to protect communal and personal interests including private property so that freedom *is limited by public interests and the core of a just and moral social life is the legal position* (Ibid, 1987)

Third, the People's Soul theory states that there is an organic relationship between law and the character of a nation so that law is a reflection of volkgeits, law is found in customary law and is not made, while legislation has a declarative nature towards law (ibid, 103). The basis of ethics and law is morality, where to achieve justice requires good law enforcement and is stated in a code of ethics based on ethical and moral standards (Muhammad Bintang Alfarras, 2023).

Based on social ethical theory, which views law enforcement as not merely enforcing regulations but also as a matter of morality based on rationality while prioritizing the interests of society. The general ethical will theory implies that personal freedom is limited by societal rules based on justice and morality. The popular spirit theory posits that the law within society reflects the nation's spirit, not merely declarative positive law. Therefore, when considering acts that lead to pornography, the prevailing law, which is based on justice, morality, and rationality for the common good, must be considered.

Furthermore, the issue of patriarchal culture also contributes to the rise of pornography. Goldfarb, as quoted by Otje Salman and Anthon F. Susanto, argues that feminists view patriarchy as an ideology that threatens their lives more than legal ideology and strive to mitigate it through legal ideology (Otje Salman and Anthon F. Susanto, 2009). As the applicant admitted in the judicial review he submitted, patriarchal culture seems to emasculate the power of the law to position equals or erode gender equality so as to avoid victims of pornography in the future. According to Muladi, the policy that can be taken to combat crime (including pornography crimes) is through penal policy: (Muladi, 1995)

- a. Law enforcement officials, from the police to the courts, implementing legal regulations, or the judicial policy stage, as the application stage;

- b. The enforcement of criminal law in abstracto by legislative institutions, or the legislative policy stage, as the formulation stage;
- c. The application of criminal law by its implementers, or the administrative stage, as the execution stage.

Meanwhile, according to Barda Nawawi Arief, from a criminal policy perspective, efforts to tackle pornography virtually are carried out with an integral approach using non-penal means, namely techno-prevention, cultural approach, moral/educational approach and global approach through international cooperation. (Barda Nawawi Arief, 2006). Even according to Friedmann as quoted by Michael Bogdan, the legal system is greatly influenced by the country's political system, including criminal law, so that it appears or functions in a different way in a democratic (Michael Bognan, 2010).

In pornography crimes, the victim must be taken into consideration. Arif Gosita in (Rena Yulia, 2013), describe the benefits of studying victimology as a concept of preventive, repressive and follow-up efforts in dealing with the handling and problems of criminal victimization; provide ideas for victims of crime both physically, mentally and socially; convince individuals as bearers of rights and obligations while also knowing the dangers to their lives and professions; provide ideas about solutions to criminal victimization (crime victims), opinions in victimology regarding judicial decisions and their reactions to perpetrators and studying them in the judicial process as well as studies on human rights and obligations.

The existence of the criminal justice system is correlated with the existence of victimology:(Dikdik M. Arief Mansur and Elisatris Gultom, 2008)

- a. For the police, it will assist in crime prevention, including information about the background, the victim's role, the modus operandi, and other related details;
- b. For the prosecutor's office, it will serve as a consideration in determining the severity of the charges against the defendant;
- c. For judges, to ensure their decisions align with expectations, they must understand the interests and suffering of the victims of the crime.

Victim focuses on the Criminal Justice System, including pornography crimes, because it benefits institutions within the criminal justice subsystem, including correctional institutions (both during and after serving time), including advocates. Therefore, a "balance of interests" model that considers the interests of perpetrators, victims, and the community is appropriate. This is supported by a penal and non-penal approach as a comprehensive policy for combating pornography.

Although it does not rule out the possibility of using restorative justice, the distribution of pornographic content can be qualified as a criminal act because it fulfills the elements of a crime, namely objective elements and subjective elements, the distribution of content of the Republic of Indonesia National Police Number 8 of 2021 concerning Handling of Criminal Acts Based on Restorative Justice (Fitrah Azizah Alif Permatasari et al, 2023).

Judges must be able to explore and discover laws that grow and develop in society. Likewise, when dealing with Constitutional Court decisions in material reviews, where Constitutional Court (MK) decisions can be equated with laws, judges have the authority to interpret the cases they handle. Through interpretation, judges concretize general and abstract legal provisions (in abstracto) in the cases they face (in concreto) with legal, sociological, and philosophical considerations, including those related to pornography crimes, to produce comprehensive and contemporary decisions that take into account ethical and moral values as a foundation for social life.

Legal development is strongly influenced by legal politics, where according to Abdul Hakim Garuda Nusantara, legal politics is a guide to development in society and is useful in upholding the function of enforcement institutions and providing guidance to their members (Imam Syaukani, 2010). Without exception, the utilization or use of information technology must pay attention to the legal objectives, namely the principle of legal certainty, the principle of benefit and the principle of caution as well as good faith and neutrality of technology as regulated in Article 3 of Law No. 11/2008 concerning Information and Electronic Transactions. The development of laws related to criminal acts related to pornography cannot be separated from the legal policy built by the state according to the demands of societal developments, including by paying attention to ethical and moral values, including in law enforcement related to the use of technology and electronic information based on legal certainty, benefit, and the principle of caution.

The Central Government and Regional Governments have a tough task in carrying out prevention related to pornography such as its creation, distribution and use (Article 17 of the Pornography Law). Efforts taken include Regional Regulations (Perda) through cooperation with sub-system institutions in the criminal justice system starting from the Police, Public Prosecutors, Courts, Correctional Institutions, Advocates and regional agencies/services such as the Health Service, Education Service, Social Service, Ministry of Religious Affairs, National Narcotics Agency, mass media and psychologists in carrying out prevention of the spread of pornography through socialization of pornography laws by taking community participation, especially families in handling especially online so that they are wise in using social media so as not to be caught in the law on information and electronic transactions.

This needs to be done considering that the goal of the criminal justice system must be holistic, namely preventing society from becoming victims of crime, making society satisfied with the resolution of crime cases fairly by imposing penalties on those guilty and trying to prevent repetition (recidivism) (Marjono Reksodiputro, 1994). The desired goal of the criminal justice system regarding pornography crimes is to prevent recurrence of criminal acts and to create justice for the interests of perpetrators, victims, and society, while taking into account the nation's noble values and morals held in high regard.

In the context of the Criminal Justice System, the existence of Article 8 of Law No. 44/2008 concerning Pornography, Constitutional Court Decision No. 82/PUU-

XVIII/2020, Law No. 19/2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions, and Law No. 39/1999 concerning Human Rights, relating to freedom of expression in the digital age, requires synchronization in the context of combating pornography.

Freedom of expression, as stipulated in Article 28J paragraphs (1, 2) of the 1945 Constitution of the Republic of Indonesia, Article 70 of Law No. 39/1999 concerning Human Rights, and Presidential Regulation No. 25/2012 which regulates the prevention and handling of pornography requires that freedom of expression remains within the corridor of laws and regulations relating to pornography without neglecting the rehabilitation of victims.

Tackling pornography requires synergistic cooperation between the Central Government, Regional Governments, the Ministry of Communication and Digital, the Indonesian Broadcasting Commission, Religious Institutions, the Child Protection Commission, the National Commission on Violence Against Women and the Criminal Justice System, including international cooperation.

In the perspective of synchronizing the Criminal Justice System, the absence of an integrated theoretical framework that takes into account the above matters causes difficulties in synchronization so that law enforcers (police, prosecutors, judges) may have different interpretations, influenced by different schools of thought (for example, advocates and judges are more oriented towards human rights while police and prosecutors are oriented towards enforcing legal norms), so that it is possible that this will result in inconsistent decisions.

Synchronization of the Criminal Justice System with efforts to eradicate pornography in the digital era is limited, not absolute, so that it not only concerns human rights, but also public order, public morals, legal certainty, legal justice, and the values of the nation's ideology, Pancasila. Therefore, national policy in the development of future national law must maintain a balance between freedom of expression and proportional restrictions in laws to address the spread of pornography, as well as social responsibility and protection for victims.

4. Conclusion

Significant substantial, institutional and cultural synchronization is required to bring the Criminal Justice System into line with the fight against pornography in the digital age. Because it is constrained by human rights, public order, the preservation of public morals, legal certainty, legal justice, and the nation's values—specifically, the first principle, non-discrimination, upholding human dignity, and respect for people's choices of expression without coercion of their ideology—freedom of expression for citizens is not interpreted as absolute freedom. According to Article 28J paragraphs (1, 2) of the 1945 Constitution of the Republic of Indonesia, Article 8 of Law No. 44/2008 concerning Pornography, Constitutional Court Decision No. 82/PUU-XVIII/2020, Law No. 19/2016 concerning Amendments to Law No. 11 of 2008 concerning Electronic Information and Transactions, Law No. 39/1999 on Human Rights, and Presidential Decree No. 25/2012, there are non-absolute constitutional restrictions on the freedom of expression regarding pornography in the digital age. The Indonesian Broadcasting Commission, the Ministry of Communication and

Digital, the Central Government, Regional Governments, Religious Institutions, the Child Protection Commission, the National Commission on Violence Against Women, and the Criminal Justice System Institution must work together in concert to eradicate pornography. For future research, field studies are needed that address current conditions and cultural perspectives on pornography, given Indonesia's diverse cultural landscape. National legal policy focuses on balancing freedom of expression with proportional restrictions in legislation to address the spread of pornography, as well as social responsibility and protection for victims of digital immorality. This includes the good faith of law enforcement to synergize the criminal justice system in law enforcement.

REFERENCES

- Akmal A, Sianipar SB, Surdikina N, Hutabarat YD. Interaksi Agama dan Politik di Indonesia. *Socius J Penelit Ilmu-Ilmu Sos.* 2024;1(11):117–23.
- Alfarras MB. Kedudukan Etika, Moral dan Hukum. *Das Soll J Kaji Kontemporer Huk Dan Masy.* 2023;1(02).
- Anshori AG, 2009. *Filsafat Hukum*. Yogyakarta: Gadjah Mada University Press;
- Bello P. SAHKAH HUKUM YANG BURUK SECARA MORAL ? PERDEBATAN ANTARA LON LUVOIS FULLER DAN H.L.A. HART. *Honeste Vivere* [Internet]. 2023 Jul 17;33(2):98–112. Available from: <https://ejournal.fhuki.id/index.php/hv/article/view/238>
- Bognan M. Comparative Law, Kluwer law and Taxation Publisher, 1994 dalam Derta Sri Widowati (Penterjemah), 2010. *Pengantar Perbandingan Sistem Hukum*. Bandung: Nusa Media.
- Batubara FD, Syahrin A, Mulyadi M, Ikhsan E. Kebijakan Hukum Pidana Terhadap Tindak Pidana Pornografi Anak Pada Dunia Maya. *USU Law J.* 2019;6(4):61–76.
- Cahyani PA, Firmansyah H. Penerapan Hukum Indonesia Terhadap Tindak Pidana Pornografi bagi Pelaku dengan Eksibisionisme. *UNES Law Rev.* 2023;6(2):6564–71.
- Departemen Pendidikan Nasional. 2018. *Kamus Besar Bahasa Indonesia*. Pusat Bahasa. Jakarta.
- Djarmiko AA, Sanjaya R, Hidayati RK. Dampak Yuridis Anomali Penerapan “Asas Lex Specialis Derogat Legi Generali” Dalam Ketentuan Hukum Pidana Indonesia. *Nomos J Penelit Ilmu Huk* [Internet]. 2023 Jan 28;3(1):13–23. Available from: <https://journal.actual-insight.com/index.php/nomos/article/view/929>
- Djubaedah N. 2009. *Pornografi dan Pornoaksi Ditinjau dari Hukum Islam*. Jakarta: Kencana.
- Garner BA. Edition (Black’s Law Dictionary. 2009. United States of America: West Publishing Company.
- Hadi F. NEGARA HUKUM DAN HAK ASASI MANUSIA DI INDONESIA. *Wijaya Putra Law Rev* [Internet]. 2022 Oct 21;1(2):170–88. Available from: <http://jurnal.uwp.ac.id/fh/index.php/wijayaputralawreview/article/view/79>
- Hart. 1981. *Law Liberty and Morality*. Jakarta: Genta.
- Hidayat IH, Alimuddin A. Penyebaran Konten Pornografi Perspektif Undang-Undang Nomor 11 Tahun 2008 Dan Hukum Islam. *Siyasatuna J Ilm Mhs Siyasaah Syar’iyyah.* 2020;1(2):378–88.
- Hendrojono. 2005. *Kriminologi*. Surabaya: Srikandi.
- Hornby AS. 1994. *Oxford Advanced Learner’s Dictionary of Current English*, AS Hornby Fourth edition. Oxford University Press.
- J.J.H. Bruggink. *Rechreflechties*, Kluwer Deventer. *Refleksi Hukum*. 1993. Bandung: PT Citra Aditya Bakti.
- Kartohadiprodjo S. 1986. *Pancasila dan/dalam Undang-Undang Dasar 1945*. Bandung: Bina Cipta.
- Kemkomdigi telah tangani 1,3 juta konten pornografi dan judi online - ANTARA News [Internet]. [cited 2025 Aug 3]. Available from: <https://www.antaraneews.com/berita/4699853/kemkomdigi-telah-tangani-13-juta-konten->

- pornografi-dan-judi-online
kpai.go.id. kpai.go.id. 2022 [cited 2022 Jul 7]. KPAI Sebut Anak Korban Kejahatan Dunia Maya Capai 679 Kasus,. Available from: <https://www.kpai.go.id/publikasi/kpai-sebut-anak-korban-kejahatan-dunia-maya-capai-679-kasus>
- Krisnalita LY, Rahayu S. Analisis Yuridis Mengenai Tindak Pidana Pornografi Secara Berlanjut. *Justice Voice*. 2022;1(2):71–80.
- Lesmana T. 1995. *Pornografi Dalam Media Massa*. Jakarta: Puspa Swara.
- Luthan S. 2007. *Kebijakan Penal Mengenai Kriminalisasi Di Bidang Keuangan*. Universitas Indonesia.
- M. Arief Mansur D, Gultom E. 2008. *Urgensi Perlindungan Korban Kejahatan antara Norma dan Realita*. Jakarta: PT. Raja Grafindo Persada.
- Marlina. 2011. *Hukum Penitensier*. Bandung: Aditama.
- Marzuki PM. 2017. *Metode penelitian hukum*. Jakarta: Kencana Prenada Group.
- Meliala A. 2001. *Mengkritisi Polisi*. Yogyakarta: Kanisius.
- Moeljatno. 1985. *Azas-Azas Hukum Pidana*. Jakarta: Bina Aksara.
- Hameed JA, Saeed AT, Rajab MH. Design and analysis of hydroelectric generation using waterwheel. In: 2018 9th International Renewable Energy Congress, IREC 2018. Hammamet, Tunisia: IEEE Xplore; 2018. p. 1–6.
- Marjono Reksodiputro. 1994. *Sistem Peradilan Pidana*. Jakarta: Pusat Pelayanan Keadilan dan Pengabdian Hukum.
- Muladi. *Kapita Selekta Sistem Peradilan Pidana*. Semarang: Universitas Diponegoro; 1995.
- Nawawi Arief B. 2006. *Tindak Pidana Mayantara: Perkembangan Kajian Cyber Crime di Indonesia*. Jakarta: PT. Raja Grafindo Persada.
- Nawawi Arief B. 2010. *Bunga Rampai Kebijakan Hukum Pidana*. Bandung: PT. Citra Aditya Bakti.
- Nur HA, Baldannudin MI. IMPLEMENTASI PRINSIP NEGARA HUKUM DALAM PENEGAKAN HAK ASASI MANUSIA DI INDONESIA. *Causa J Huk dan Kewarganegaraan* [Internet]. 2024 Jul 3 [cited 2025 Aug 3];5(6):61–70. Available from: <https://ejournal.warunayama.org/index.php/causa/article/view/4318>
- Pengajuan Judisiil Review khususnya ketentuan Pasal 8 Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi yang dikaitkan dengan UUD NRI 1945.
- Permatasari FAA, Hehanussa DJA, Salamor YB. Penerapan Hukum Terhadap Tindak Pidana Penyebaran Konten Pornografi Berdasarkan Presfektif Restorative Justice. *TATOHI J Ilmu Huk* [Internet]. 2023 Apr 28 [cited 2025 Aug 3];3(2):158. Available from: <https://fhukum.unpatti.ac.id/jurnal/tatohi/article/view/1560>
- Purbacaraka P, Halim AR. 1982. *Filsafat Hukum Pidana*. Jakarta: CV Rajawali.
- Raharjo S. 2000. *Ilmu Hukum*. Bandung: PT Citra Aditya Bakti.
- Rasjidi L, Rasjidi IT. 2007. *Dasar-dasar Filsafat dan Teori Hukum*. Bandung: Citra Aditya Bakti.
- Reksodipoetro M. 1983. *Sistem Peradilan Pidana*. Jakarta: Pusat Dokumentasi Hukum UI.
- Respons Ancaman Pornografi, Kemenko PMK dorong Percepatan Pembentukan Gugus Tugas di Tingkat Daerah | Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan [Internet]. [cited 2025 Aug 4]. Available from: <https://www.kemenkopmk.go.id/respons-ancaman-pornografi-kemenko-pmk-dorong-percepatan-pembentukan-gugus-tugas-di-tingkat-daerah>
- S, Sulchan A. PENERAPAN SANKSI PELAKU TINDAK PIDANA PENYEBAR VIDEO PORNO DI SOSIAL MEDIA MENURUT UNDANG-UNDANG NOMOR 19 TAHUN 2016 TENTANG INFORMASI DAN TRANSAKSI ELEKTRONIK. *J Ilm Sultan Agung* [Internet]. 2023 Mar 15 [cited 2025 Aug 3];2(1):545–55. Available from: <https://jurnal.unissula.ac.id/index.php/JIMU/article/view/31324>
- Salman O, Susanto AF. 2029. *Teori Hukum*. Bandung: Refika Aditama.
- Schwarzenbach RP, Gschwend PM, Imboden DM. *Environmental organic chemistry*. John Wiley & Sons; 2016.
- Stöcker C, Bennett R, Nex F, Gerke M, Zevenbergen J. Review of the current state of UAV regulations. *Remote Sens*.

2017;9(5):459.

Syam F. 2010. *Analisis dan Evaluasi Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi*.

Syaukani I, Thoari AA. 2010. *Dasar-Dasar Politik Hukum*. Jakarta: PT. Raja Grafindo Persada.

Tanya BL, et.all. 2010. *Teori Hukum*. Yogyakarta: Genta Publishing/

Undang-Undang Nomor 24 Tahun 2003 tentang Mahkamah Konstitusi dan Undang-Undang Nomor 48 tentang Kekuasaan Kehakiman.

Yulia R. 2013. *Viktimologi Perlindungan Hukum terhadap Korban Kejahatan*. Yogyakarta: Graha Ilmu.

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